

Updated May 23, 2001

INTRODUCTION

The current environment of for Low Observable/Counter Low Observable (LO/CLO) technologies has made it extremely difficult to distinguish between technologies, which are appropriate for export through the commercial marketplace, and militarily critical technologies requiring further controls. This section is intended to highlight for users of signature control technologies the export coordination and approval requirements and critical LO and CLO technologies. The MCTL must be used in conjunction with other relevant program and policy guidance, to include the following:

- DoD 5220.22M, "National Industrial Security Program Operating Manual (NISPOM)
- DoD Instruction S-5230.28, "Low Observable (LO) and Counter Low Observable (CLO) Programs (S-NF)," October 2, 2000
- "Security Classification Guide for Department of Defense (DoD) Low/Counter Low Observable (LO/CLO) Programs (U)," October 2, 2000
- Specific program classification guidance
- Government contractual guidance

PROCEDURES

This section provides an outline of the signature control technologies license review and approval process. Critical LO/CLO technologies are considered sensitive to the Department of Defense. Current DoD Policy states that they will not be exported without review through the LO/CLO EXCOM process.

The common theme found throughout DoD guidance is the need for early coordination of requirements with the expectation that industry will make contact with the Service LO/CLO Offices of Primary Responsibility (OPRs) if licensing arrangements are required. The MCTL and DoD policies/instructions provide threshold values for various signature control technologies and applications. When these thresholds are exceeded, a DoD technical review of the signature control aspects of the proposed export is required prior to it being licensed for export. These threshold/tripwire values apply to a wide range of systems and their technologies. Some of these, such as helicopters, UAVs, assault ships, missiles, etc. will usually fall below the stated values. The mandated review process discussed below will accommodate these variations and in fact assure consistency and accuracy in case processing. Early

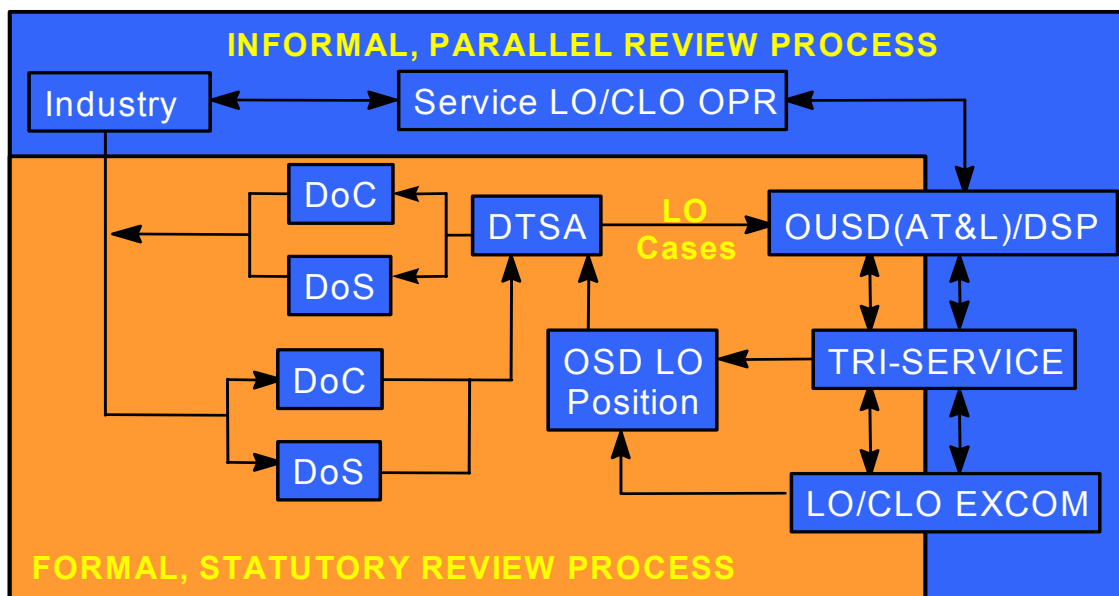


Chart 1: Process for Review of Signature Control Technologies

coordination with the appropriate Service LO/CLO OPRs will facilitate more timely determination of DoD concerns or limitations for the proposed export. As shown in Chart 1, the normal statutory review process for conducting export license approvals is supplemented by an LO/CLO review process, defined by DoD Policy.

Within the Department of Defense, each Service has a central office to provide basic guidance regarding LO/CLO classification and policy. The following offices are designated by DepSecDef as the Service LO/CLO Office of Primary Responsibility (OPRs):

AF:	SAF/AQL Directorate of Special Programs Assistant Secretary (Acquisition) Pentagon Washington, DC 20330-1060	(703) 588-1630
Navy/Marines:	Director, LO/CLO Policy and Technology (N91) Crystal Square 2, Room 213 1725 Jefferson Davis Highway Arlington, VA 22215	(703) 413-2263
Army:	Director of Special Programs (SAAL-SO) Room ID711 Pentagon Washington DC 20310-0103	(703) 614-0152

Under the direction of the DepSecDef, USD (AT&L) manages and chairs the LO/CLO Executive Committee (EXCOM). The LO/CLO EXCOM oversees technology development and progress of key LO/CLO programs to focus and direct efforts as necessary and resolve issues that arise as programs mature. The EXCOM also sets overall technical policy on international transfer of LO/CLO information and capabilities and coordinates exceptions to National Disclosure Policy when necessary. The EXCOM also establishes security guidelines to insure consistent application of security policy to protect critical LO/CLO technologies.

USD (AT&L) has appointed the Director of Special Programs, who reports directly to USD (AT&L), as the DoD Director of LO Technology. The Director functions as the principal coordinator of all LO and CLO issues and is the executive secretary for the LO/CLO EXCOM. The Director ensures proper management oversight is applied to all LO/CLO programs and activities. The Director reviews and makes recommendations about the international transfer of LO/CLO information and capabilities consistent with EXCOM guidance and National Military Information Disclosure Policy Committee Policy Statements. The Director of Special Programs also chairs the Tri-Service Committee. This group meets frequently to coordinate DoD Component and LO/CLO activities. The committee makes recommendations concerning LO/CLO programs, policies, plans, studies, and exports consistent with this policy and previous EXCOM decisions.

To facilitate the timely DoD review of LO/CLO export cases, the following information (where appropriate to the specific export license request) is required:

- The specific “foreign requirement” for this technology (e.g., Request for Technology (RFT), Request for Information (RFI), Statement of Work (SOW))
- U.S. initiative supporting the requirement (e.g., business plan, briefing material, program office request)
- Applicable current guidance (e.g., security guide, MCTL, National Disclosure Policy (NDP), specific contract)
- Legacy of the LO/CLO technology (e.g., foreign release history – related export cases)
- Technology specification (e.g., material composition, performance, weight, cost) - this must be done for the specific item being requested for export, and needs to include comparable items available from foreign sources and other U.S. companies.

- Identify critical technologies in the export request and assess performance vs. MCTL guidelines and LO/CLO policy and guidelines
- Proposed program review (platform, subsystem, component, materials, technologies)
- Program Protection Plan (including anti-tamper plans)